

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

UNITED STATES OF AMERICA

vs.

DAVID PICHARDO GARCIA

:
:
:
:
:
:
:
:

CRIMINAL NO. 5:08-CR-22 (HL)

ORDER FOR A CONTINUANCE

The government's Motion for Continuance having been read and considered,

IT APPEARING THAT the defendant in this case was arraigned on September 29, 2008, based on an indictment filed on April 17, 2008.

IT FURTHER APPEARING THAT the defendant is currently in custody in Muhlenberg County, Greenville, Kentucky, for non payment of child support, and the defendant will not be present at the pretrial conference scheduled for November 3, 2008, in Macon, Georgia. Based upon information received by the United States Attorney's Office, it does not appear that defendant will be available for trial on November 10, 2008, due to his incarceration in Muhlenberg County, Kentucky.

IT IS HEREBY ORDERED that the trial in this matter be continued from November 10, 2008, to the next term of Court. It is further ordered that the Speedy Trial deadline in this matter be extended to the end of the trial term beginning January 20, 2009.

It is the Court's finding that the ends of justice [18 U.S.C. §3161(h)(8)(A)] served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial for the reason that failure to grant such continuance could result in a miscarriage of justice [18 U.S.C. §3161(h)(8)(B)(i)]; and the failure to grant such continuance would deny counsel for the defendant and the government the reasonable time necessary for effective preparation for trial taking into account the exercise of due diligence [18 U.S.C. §3161(h)(8)(B)(iv)]. It is further the Court's finding that it does not appear that defendant will be present for trial due to his incarceration in Muhlenberg County, Kentucky.

SO ORDERED, this 31st day of October, 2008.

s/ Hugh Lawson
HUGH LAWSON
CHIEF, UNITED STATES DISTRICT JUDGE

Presented by:

GEORGE R. CHRISTIAN
Assistant United States Attorney
Georgia Bar Number 125327